

PCB CRJU 06-06

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2006

1 A bill to be entitled

2 An act relating to drug testing within the Department of
3 Corrections; amending s. 944.474, F.S.; authorizing the
4 department to develop a program for testing employees who
5 are in safety-sensitive and high-risk positions for
6 certain controlled substances based upon a reasonable
7 suspicion; providing for the reasonable suspicion to
8 include violent acts or behavior of an employee while on
9 or off duty; requiring that the department adopt rules;
10 providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. 944.474 Legislative intent; employee wellness
15 program; drug and alcohol testing.--

16 (1) It is the intent of the Legislature that the state
17 correctional system provide a safe and secure environment for
18 both inmates and staff. A healthy workforce is a productive
19 workforce, and security of the state correctional system can best
20 be provided by strong and healthy employees. The Department of
21 Corrections may develop and implement an employee wellness
22 program. The program may include, but is not limited to, wellness
23 education, smoking cessation, nutritional education, and overall
24 health-risk reduction, including the effects of using drugs and
25 alcohol.

26 (2) Under no circumstances shall employees of the
27 department test positive for illegal use of controlled
28 substances. An employee of the department may not be under the
29 influence of alcohol while on duty. In order to ensure that these

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30 prohibitions are adhered to by all employees of the department
31 and notwithstanding s. 112.0455, the department may develop a
32 program for the random drug testing of all employees. The
33 department may randomly evaluate employees for the
34 contemporaneous use or influence of alcohol through the use of
35 alcohol tests and observation methods. Notwithstanding s.
36 112.0455, the department may develop a program for the
37 reasonable-suspicion drug testing of employees who are in safety-
38 sensitive and high-risk positions for controlled substances
39 listed in s. 893.03(3)(d). The reasonable-suspicion drug testing
40 authorized by this subsection shall be conducted in a manner that
41 is consistent with s. 112.0455, but may also include testing upon
42 reasonable suspicion based on violent acts or violent behavior of
43 an employee who is on or off duty. The department shall adopt
44 rules pursuant to ss. 120.536(1) and 120.54 which are necessary
45 to administer this subsection.

46 Section 2. This act shall take effect July 1, 2006.